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# STATE CAPITOL REPORT

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## New Clean Energy Legislation Filed

### Broad Coalition of Legislators and Diverse Interests Promoting Solar Power

The Lone Star Chapter of the Sierra Club joined Public Citizen, Environment Texas, the Austin and Waco Chamber of Commerce, solar power businesses, and a number of Texas state representatives and senators at six press conferences throughout the state in early February to highlight the benefits of solar power. The attention to solar power and other forms of renewable energy at the press conferences has been matched by a bevy of bills on renewable energy and energy efficiency.

Press conferences were held in Austin, Waco, Dallas, San Antonio, Houston and Abilene. The Austin capitol press conference brought together Senators Troy Fraser, Kirk Watson, Rodney Ellis, and Leticia Van de Putte, along with Representatives Rafael Anchia and Mark Strama, in speaking about the need for Texas to take advantage of its sunny days to spur energy and job development in Texas. At a simultaneous press conference in Waco, Representative “Doc” Anderson highlighted the successful efforts made in Waco to install solar panels at the Waco Chamber of Commerce offices and among

many businesses to incorporate green standards to help reduce costs and pollutions.

#### “Wildcatting the Sun”

The press conferences were accompanied by the release of a new report called “Wildcatting the Sun,” (<http://texas.sierraclub.org/press/newsreleases/20090203.asp>) which outlines **the economic and environmental benefits of a series of policy goals**, including:

- an incentive program to create up to 2000 MWs of on-site solar;
- a true net-metering policy to make sure residences and commercial entities installing solar receive fair payment for any surplus energy generated;
- a policy requiring a renewable portfolio standard for non-wind renewable energy;
- prohibition on homeowners associations actions disallowing solar installations on neighborhood homes.

The report found, for example, that **a 2000**

*see Solar, page 2*

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**MW on-site renewable incentive program would lead to some 22,000 direct and indirect jobs in Texas by 2020.** Sen. Shapiro and Rep. Anchia have filed legislation in the Senate and House respectively to meet this goal, while Sen. Fraser has a more modest approach that would lead to approximately 100 MWs by 2015, an amount he characterized as a starting point for discussion and not his final bill.

### Other New Clean Energy Bills

Among the solar and other renewable energy bills filed recently are four by Senator Van de Putte (**Senate Bills 598, 599, 600 and 601**) which offer grants for solar on schools, sales tax breaks, a 3000 MW solar incentive program by 2019, and a one percent peak demand efficiency goal by 2105, which would include at least 200 MWs of on-site renewable distributed power.

Both Senators Watson (**SB 542**) and Shapleigh (**SB 677**) have separate bills that would create a non-wind renewable portfolio standard. Sen. Watson's would require that retail electric providers provide 3000 MWs of solar, geothermal, biomass or other non-wind renewables by 2020 – and give extra credit to those energy sources with components manufactured in the state – while Sen. Shapleigh's bill would create a 1500 MW goal by 2015.

In addition, a slew of bills offering tax incentives and prohibitions against homeowner

associations from restricting solar installations have been offered.

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## Join Us for Lobby Day February 17-18 at the State Capitol!



**You're invited to the Alliance for a Clean Texas (ACT) Lobby Training and Lobby Day at the State Capitol. Come join us in supporting legislation for energy efficiency programs and renewable energy, public transportation, parks, wildlife and water.**

Register for ACT Lobby Day at:  
<http://www.acttexas.org/>

## Sierra Club Urges EPA to Halt Plans to Ship PCB Wastes to West Texas

### EPA Asked for EIS on Disposition of Dangerous Hudson River PCB Wastes

The Lone Star Chapter of the Sierra Club has asked new U. S. Environmental Protection Agency (EPA) Administrator Lisa Jackson to halt plans to transport thousands of tons of New York's Hudson River PCBs to a hazardous waste dump in Andrews County in West Texas. **Sierra Club urged EPA to prepare an Environmental Impact Statement (EIS) on the dangers of rail shipping such an enormous volume of harmful PCB sediments nearly 2,000 miles and then "temporarily storing" them at a site that overlies sensitive underground water resources.**

In a February 11 letter to EPA Administrator Jackson, leaders of the Sierra Club's Lone Star Chapter in Texas said that EPA needs to uphold environmental law by performing an EIS because PCBs are among the most dangerous chemicals known, and the proposed rail shipment poses a potential for serious accident hazards in or near dozens of urban areas and states through which trains would pass. One major rail accident could lead to a catastrophic contamination event if drums were breached and highly concentrated PCBs were released. **The Sierra Club noted that the train route is being kept secret from the public so people will not be informed if the train passing through their backyard is loaded with tons of dangerous PCB wastes.**

#### Dangers from PCBs

The PCBs would come from a "clean-up" in which General Electric would remove and dispose of several million cubic feet of PCB contaminated sediments dredged from up to 200 miles of the polluted Hudson River. General Electric discharged as much as 1.3 million pounds of PCBs from the 1947 – 1977 into the Hudson River.

Shipping and disposing of the PCBs needs public input and opportunity for public participation from citizens and communities living along the entire train route from New York to Texas, says the Sierra Club, because of the threat posed to humans by PCBs. PCBs are a dangerous class of synthetic chemicals that bio-accumulate in the human body, impact the brain and nervous system, and cause a range of health effects such as cancer, immune suppression, reproductive damage, birth defects, thyroid disease, learning disorders, memory disorders, diabetes, and fetal death. PCBs were banned from manufacturing after Congress passed the Toxic Substances Control Act in 1976.

#### PCBs Headed to WCS Site

The Sierra Club said that the public has  
*see PCB, page 4*

# Finance Committee Begins Budget Debate with Economic Stimulus Package Looming

## Federal Money Could Bolster Weatherization, Green Jobs Training

With the U.S. Senate and House negotiating an approximately \$800 billion stimulus package, which will include a significant portion that could flow to state coffers, the Texas Senate Finance committee began reviewing SB 1, the appropriations bill agency by agency.

Among the major portions of the federal stimulus bill that could flow to the state are grants for school repair and construction, a “State Stabilization Fund” mainly for school and public safety funding, an increase in weatherization funds, and an expansion of the income eligibility guidelines and significant increases in Medicaid payments to states. The energy sector also stands to receive a significant boost, though mainly in the form of tax credits and research dollars.

Despite these expected boosts, the state Senate Finance Committee faces significant decisions about how much to appropriate to state agencies. That includes deciding if and how much to spend of the state’s \$9.1 billion Economic Stabilization Fund (Rainy Day Fund) – boosted during high oil and gas prices several years ago – as well as how to handle positive balances in specific GR –Dedicated Revenue fees, including the System Benefit Fund and the TERP (Texas Emissions Reduction Program).

### Focus on PUC and TDHCA: System Benefit Fund

In 1999, the Texas Legislature created the System Benefit Fund (SBF), an account in the General Revenue Fund financed by a mandatory surcharge that all electricity consumers in the competitive markets of Texas must pay every month. Money deposited into the SBF may only be appropriated for very specific purposes as listed under Section 39.903 of the Utilities Code, including consumer education on choosing electricity providers, payment assistance for certain Texans meeting income criteria and weatherization. The Legislative Budget Board now estimates that by the end of 2011, there will be almost \$870 million sitting in the Systems Benefit Fund as the Legislature has continually chosen to keep the monies to help balance the budget.

For example, the Legislature can allocate money from the SBF to the Texas Department of Housing and Community Affairs (TDHCA) to help pay to weatherize homes for Texans living at or below 125% of the federal poverty level. Home weatherization not only helps individuals who receive the benefit but the total reduction in energy consumption leads to a significant reduction in **total** energy use and peak demand for **all** Texans. However, since

2003, the Legislature has not appropriated any funds from the SBF for home weatherization. As a result, only a fraction of the Texans that qualify for this benefit receive assistance and see a reduction in energy consumption and relief from sky-rocketing energy costs. Some 14,000 Texas families remain on a waiting list.

Currently, the TDHCA is asking for \$21.4 million for this budget cycle for SBF weatherization, based on the 2003 request of \$10.7 per year. However, if the Legislature had spent just \$10 million per year between 2004 and 2008 on weatherization programs for Texans, an additional 15,000 households could have received assistance. Unfortunately the Legislature has not allocated any money from the SBF for weatherization programs since 2003 and as a result, Texans have lost out on potential savings. The Legislature has the opportunity to put money back into energy consumer’s pockets this year. If \$85 million – 10 % of the total SBF -- is allocated from the SBF to fund weatherization projects, approximately 20,000 households will receive assistance that will result in lower energy bills every month.

That amount would also correspond to a bill introduced by Senator Judith Zaffirini which would make the SBF a fund taken out of the appropriations process with specific percentages allocated to its specific targets. Senators Rodney Ellis and Juan Hinojosa have also introduced similar bills, as has Rep. Sylvester Turner in the House.

The other state agency requesting SBF funds is the Public Utility Commission, which runs both the consumer education and the payment assistance programs. Currently, PUC is requesting as part of its budget approximately \$180 million for the two programs. Nonetheless, this amount only covers payment assistance for five out of the 12 months in the year, during the summer months when more electricity is used.

**Pushing for Funding**

Sierra Club is part of an informal coalition of groups – including Texas ROSE, AARP, Texas ACORN, and TEXPIRG calling for

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**State and Federal Funding for Weatherization in Texas in Millions**

Year	Weatherization Assistance Program (Federal Program)	State Weatherization Program through Systems Benefit Fund	Number of Texas Households Benefiting from WAP and SBF Funding
2000	3.6	0	5,845
2001	10.5	0	5,424
2002	15.5	7.2	8,220
2003	17.7	10.7	7,637
2004	7.9	0	5,452
2005	6.9	0	5,416
2006	11.2	0	3,904
2007	7.6	0	5,404
2008	7.4	0	Not available

Source: Texas Department of Housing and Community Affairs, information provided to Sierra Club.

**PCB**, continued from page 3

a right-to-know where the PCB trains are being routed. General Electric is asking for an exemption to the Federal law by discouraging EPA from requiring an EIS on the rail transport and storage in Texas. The West Texas dump site operator, Waste Control Specialists (WCS), may be seeking a fast-tracked process to receive the Hudson River PCBs without input from citizens in Texas who may be affected by the disposal plan. It appears the outgoing Bush EPA upper level administrators approved the shipment and disposal plan near the end of the Bush administration. WCS is part of a company owned by Dallas billionaire Harold Simmons, a prominent contributor to Republican Party candidates, including former President Bush.

**“Without making any serious effort to evaluate the health and environmental risks that the Texas PCB disposal plan will create for the citizens of Texas, EPA proposes to allow General Electric to transport 2.65 million cubic feet of highly contaminated**

**PCB wastes from New York and store them temporarily at a waste dump whose operator has already shown contempt for environmental concerns,”** said Neil Carman, Clean Air Director for the Lone Star Chapter of the Sierra Club. **“This scheme is unlawful and shows a disregard for the people who live in West Texas and the states through which the wastes would be hauled from New York.”**

**Other Options for PCBs**

**“EPA has other options that GE needs to consider,”** said Carman. **“EPA been approving alternative treatment technologies to neutralize PCBs since 1994, and the agency’s website lists a series of alternative ways to handle PCBs locally. It’s possible Hudson River PCBs can be dechlorinated and neutralized at each location where they are removed, reducing serious shipping hazards by rail. PCB’s are deadly carcinogens that cause cancer and birth defects and we already have too many PCBs in the environment and our food chains. Under new leadership EPA has the chance to emphasize alternatives to the outdated mindset of dumping hazardous wastes.”**

See the EPA’s fully approved set of alternative PCB treatment technologies that are shown at: <http://www.epa.gov/osw/hazard/tsd/pcbs/pubs/stordisp.htm>. The Sierra Club letter to EPA Administrator Jackson is available on the web at [www.texas.sierraclub.org](http://www.texas.sierraclub.org).



**SIERRA  
CLUB**  
FOUNDED 1892

P.O. Box 1931 Austin, TX 78767  
tel: (512)477-1729 fax: (512) 477-8526  
[lonestar.chapter@sierraclub.org](mailto:lonestar.chapter@sierraclub.org)  
<http://texas.sierraclub.org>

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Director and Editor: Ken Kramer  
Conservation Director: Cyrus Reed  
Layout and production: Jerome Collins

## Funding Outdoor Recreation One Way to Fight Texas Obesity

### Legislative Opportunities to Act on Parks and Wildlife Funding

The Sierra Club has noted that one way to fight the growing incidence of obesity in Texas is to enhance funding for and promotion of outdoor recreation. In late January the state demographer released a study projecting a tripling of the obesity rate in Texas over the next thirty years, with subsequent impacts on medical costs and lost worker productivity. The Sierra Club said that action this session by the Texas Legislature to provide funds for more access to the outdoors through state parks, local parks, and other nature recreation would help Texas combat that trend.

**“Providing more opportunities for outdoor recreation through state and local parks will produce healthier kids,”** said Ken Kramer, state director for Sierra Club. **“For example, new research published in the American Journal of Preventive Medicine was the latest to demonstrate that access to green space for inner-city kids lowered the incidence of childhood obesity.** A groundbreaking work by Richard Louv in 2005, *Last Child in the Woods*, linked the growing absence of nature in the lives of today’s kids to some of the most disturbing childhood trends, including the rise in obesity.”

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**Jobs**, continued from page 5

full funding for all the SBF uses, including weatherization this session.

With federal funding for weatherization and payment assistance expected to increase as part of the stimulus bill, Texas – with full funding from the SBF – could make a serious dent in the overall energy consumptions of Texans, creating jobs through energy efficiency companies while saving consumers money – which in turn would help stimulate the economy.

The Senate Finance Committee is scheduled to review and take public testimony on proposed appropriations for TDHCA on February 16.

CRCS

**“Fortunately,”** said Kramer, **“the Texas Legislature has the opportunity to take a number of steps this session to expand outdoor recreation through funding of the Texas Parks and Wildlife Department.** In 2007 the Legislature dramatically increased funding for state parks and local parks grants, but that level of funding was only for the current two-year period, and relatively little money was provided for acquiring new parkland. This session the Legislature needs to make that level of funding permanent by dedication of most of the sporting goods tax revenue to parks and appropriation of those funds for acquisition of more parkland as well as park maintenance and development.”

CRCS



SIERRA CLUB LONE STAR CHAPTER  
 STATE CONSERVATION OFFICE  
 PO BOX 1931  
 AUSTIN TX 78767  
<http://texas.sierraclub.org/>

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